



IN THE UNITED STATES AND TRADEMARK OFFICE

IN RE Application of

Josée Hamel, et al.

Serial No : 09/471,255

Filed : December 23, 1999

Title: NOVEL STREPTOCOCCUS ANTIGENS

DECLARATION OF DR. DENIS MARTIN

I, Denis Martin, declare that:

1. I am a co-inventor of the invention of the subject Patent Application No. 09/471,255, entitled "*Novel Streptococcus Antigens.*"
2. I am a citizen of Canada, residing at 927 Place Séguin, Ste-Thérèse, Province of Quebec, Canada, J7e 4P5.
3. I am Director of Research, ID Biomedical Corporation of Quebec.
4. I have read the Office Action mailed June 23, 2005, in the above-referenced application and understand that claims 16, 19, 20, 25, 34, 35, and 39-50 of the present application stand rejected under 35 U.S.C. § 102(e) over US 6,582,706 ('706 patent). The priority date of the cited prior art reference is December 21, 1998. The priority date of the invention disclosed in the above-referenced application is December 23, 1998. The invention disclosed and claimed in the above-referenced application was conceived and reduced to practice prior to the Section 102(e) date of the '706 patent, *i.e.*, December 21, 1998, as evidenced by the enclosed copies of notebook pages witnessed and signed on August 17, 1998, which show that the claimed polypeptides had been isolated, and sequenced at that time. Thus, the '706 patent is not prior art to the above-referenced application.
5. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further

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that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Denis Martin

02 Dec 2005

A handwritten signature in black ink, appearing to read "Denis Martin".

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Réultats du séquençage de l'ORF+1 du clone 2A-3 / pY301 et l'ORF+3 du clone 2A-3 / pY301

Witnessed & Understood by me,	Date	Invented by	Date
<i>Clement Risse</i>	<i>17 Aug 98</i>	<i>Clement Risse</i>	<i>13/08/98</i>
Recorded by			

TITLE Sequence ORE +1 SP4483-1 251301

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Réultats du séquençage de l'ORF+1 du transcripte 3-1 (n°3) et l'ORF+3 du séquençage 3-3 (n°3).

With

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8 Invent
Record

Fig. 1. Stage X 2116

Spn3 vs Spn3 (clonage) Formatted Alignment

Spn3 vs Spn3 (clonage) Formatted Alignment

Spn1 (cloneage)	-----	CAVALNQHRS QENKNNRVS YVDGQSSQSR
Spn3 ORF+1	MKFSKRYIAA	GSAVIVSLSL CAVALNQHRS QENKNNRVS YVDGQSSQSR
Consensus	-----	----- CAVALNQHRS QENKNNRVS YVDGQSSQSR
Spn1 (cloneage)	SENLTIPDQVS	QKEGIQAEQI VIKITDQGVV TSHGDHYHVV NGKVPYDALL
Spn3 ORF+1	SENLTIPDQVS	QKEGIQAEQI VIKITDQGVV TSHGDHYHVV NGKVPYDALL
Consensus	SENLTIPDQVS	QKEGIQAEQI VIKITDQGVV TSHGDHYHVV NGKVPYDALL
Spn1 (cloneage)	SEELLMRDPN	YQLKDAIDVN EVKGYYLKV DGKRYVYLLKD AHADNVRK
Spn3 ORF+1	SEELLMRDPN	YQLKDAIDVN EVKGYYLKV DGKRYVYLLKD AHADNVRK
Consensus	SEELLMRDPN	YQLKDAIDVN EVKGYYLKV DGKRYVYLLKD AHADNVRK
Spn1 (cloneage)	DEINRQKQEH	VKDNEKVNSN VAVARSQRY TTNDGVVNP ADIETDGN
Spn3 ORF+1	DEINRQKQEH	VKDNEKVNSN VAVARSQRY TTNDGVVNP ADIETDGN
Consensus	DEINRQKQEH	VKDNEKVNSN VAVARSQRY TTNDGVVNP ADIETDGN
Spn1 (cloneage)	YIVPHGHGHY	YIPKSDLSAS -ELAAAKAHLA GRNMDPOLS YSSTASDNN
Spn3 ORF+1	YIVPHGHGHY	YIPKSDLSAS -ELAAAKAHLA GRNMDPOLS YSSTASDNN
Consensus	YIVPHGHGHY	YIPKSDLSAS -ELAAAKAHLA GRNMDPOLS YSSTASDNN
Spn1 (cloneage)	QSVAKGSTSK	PANKSENQSL LIKELYDSPS AGRYSESQGL VFPDPAKIIS
Spn3 ORF+1	QSVAKGSTSK	PANKSENQSL LIKELYDSPS AGRYSESQGL VFPDPAKIIS
Consensus	QSVAKGSTSK	PANKSENQSL LIKELYDSPS AGRYSESQGL VFPDPAKIIS
Spn1 (cloneage)	TPNGVAIPHG	DHYHFIPIYSK LSALEEKIAR MWPISCTGST VSTNAPKNEV
Spn3 ORF+1	TPNGVAIPHG	DHYHFIPIYSK LSALEEKIAR MWPISCTGST VSTNAPKNEV
Consensus	TPNGVAIPHG	DHYHFIPIYSK LSALEEKIAR MWPISCTGST VSTNAPKNEV
Spn1 (cloneage)	VSSLGSLSSN	PSL1/TTSKEL SSASDQYIFN PKDIVEETAT AYIVRKGHHS
Spn3 ORF+1	VSSLGSLSSN	PSL1/TTSKEL SSASDQYIFN PKDIVEETAT AYIVRKGHHS
Consensus	VSSLGSLSSN	PSL1/TTSKEL SSASDQYIFN PKDIVEETAT AYIVRKGHHS

Spn3 (clonage)	HYIPKSNQIG QPTLPLNSLIA TPSPSLPINF GTSHKEHEDV GYGFDAIRRI	43
Spn3 ORF+1	HYIPKSNQIG QPTLPLNSLIA TPSPSLPINF GTSHKEHEDV GYGFDAIRRI	45
Consensus	HYIPKSNQIG QPTLPLNSLIA TPSPSLPINF GTSHKEHEDV GYGFDAIRRI	45
Spn3 (clonage)	AEDESGFMVS HDGHNNYFFK KDLETDQIKA AQKHLVEEKT SHNGLDLSSS	48
Spn3 ORF+1	AEDESGFMVS HDGHNNYFFK KDLETDQIKA AQKHLVEEKT SHNGLDLSSS	50
Consensus	AEDESGFMVS HDGHNNYFFK KDLETDQIKA AQKHLVEEKT SHNGLDLSSS	50
Spn3 (clonage)	HEQDYPGNAK EMKDLDKKIE EKIGAIMQY GVKSRESIVVN KERQKAIYPH	53
Spn3 ORF+1	HEQDYPGNAK EMKDLDKKIE EKIGAIMQY GVKSRESIVVN KERQKAIYPH	54
Consensus	HEQDYPGNAK EMKDLDKKIE EKIGAIMQY GVKSRESIVVN KERQKAIYPH	55
Spn3 (clonage)	GDHHADPID EHKKPVGIGHS HSNYELFKPE EGVAKKEBNK VYTGEELTNV	58
Spn3 ORF+1	GDHHADPID EHKKPVGIGHS HSNYELFKPE EGVAKKEBNK VYTGEELTNV	60
Consensus	GDHHADPID EHKKPVGIGHS HSNYELFKPE EGVAKKEBNK VYTGEELTNV	60
Spn3 (clonage)	VNLLKNSTFN NQNFPTLQANQ KRVFSFSPPE LEKKLIGIMNL VKLITPDGRV	61
Spn3 ORF+1	VNLLKNSTFN NQNFPTLQANQ KRVFSFSPPE LEKKLIGIMNL VKLITPDGRV	65
Consensus	VNLLKNSTFN NQNFPTLQANQ KRVFSFSPPE LEKKLIGIMNL VKLITPDGRV	65
Spn3 (clonage)	LEKVKGKVF EGCVNIANFE LDQPLPQFQ PKYTIAKSYQ PVESVYQGT	680
Spn3 ORF+1	LEKVKGKVF EGCVNIANFE LDQPLPQFQ PKYTIAKSYQ PVESVYQGT	700
Consensus	LEKVKGKVF EGCVNIANFE LDQPLPQFQ PKYTIAKSYQ PVESVYQGT	700
Spn3 (clonage)	VPTSLAYKMA SQTIFYPPHA GQTYWLRVNPQ FAVPKGTDAL VRVYDPEHQN	730
Spn3 ORF+1	VPTSLAYKMA SQTIFYPPHA GQTYWLRVNPQ FAVPKGTDAL VRVYDPEHQN	750
Consensus	VPTSLAYKMA SQTIFYPPHA GQTYWLRVNPQ FAVPKGTDAL VRVYDPEHQN	750
Spn3 (clonage)	AVLBNYKVG EIKLPIPKLN QGTTIAGKNG IPVTLMANAY LLINOSTIVS	780
Spn3 ORF+1	AVLBNYKVG EIKLPIPKLN QGTTIAGKNG IPVTLMANAY LLINOSTIVS	800
Consensus	AVLBNYKVG EIKLPIPKLN QGTTIAGKNG IPVTLMANAY LLINOSTIVS	800
Spn3 (clonage)	VPITLEKENOT DKEKSIUPQK NKAQADNSKL DEKEVEEKPNS SERVEKEKLS	830
Spn3 ORF+1	VPITLEKENOT DKEKSIUPQK NKAQADNSKL DEKEVEEKPNS SERVEKEKLS	850
Consensus	VPITLEKENOT DKEKSIUPQK NKAQADNSKL DEKEVEEKPNS SERVEKEKLS	850

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Witnessed & Understood by me,

Date

Invented by

Date

Clement Rionne

17 AUG 98

Recorded by *→ Anil Kumar Pineapple*

13/08/98

TITLE Sequence ORF +1 Spec # 3-1 / ps1361

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(contd)

Spn3 (clone)	TGNTSNTL-EEVPTVDPVQ-EKVKFAESY-GKLENVLEN-MDGTEIYL	880
Spn3 ORF+1	TGNTSNTL-EEVPTVDPVQ-EKVKFAESY-GKLENVLEN-MDGTEIYL	900
Consensus	TGNTSNTL-EEVPTVDPVQ-EKVKFAESY-GKLENVLEN-MDGTEIYL	900
Spn3 (clone)	SGEVVIKNA-DFTGEAPGN-GENKSENGK-VSTGTVENQF-TENKPADSL	930
Spn3 ORF+1	SGEVVIKNA-DFTGEAPGN-GENKSENGK-VSTGTVENQF-TENKPADSL	950
Consensus	SGEVVIKNA-DFTGEAPGN-GENKSENGK-VSTGTVENQF-TENKPADSL	950
Spn3 (clone)	EAPNEKPKP-ENSTINGMLN-PEGNVGSDPM-LOPALEEAPA-VDPVQERL	980
Spn3 ORF+1	EAPNEKPKP-ENSTINGMLN-PEGNVGSDPM-LOPALEEAPA-VDPVQERL	1000
Consensus	EAPNEKPKP-ENSTINGMLN-PEGNVGSDPM-LOPALEEAPA-VDPVQERL	1000
Spn3 (clone)	FTASYGLGLD-SVIFNMDGTI-ELRLPSCEVIT-KGNLSDPFI	1019
Spn3 ORF+1	FTASYGLGLD-SVIFNMDGTI-ELRLPSCEVIT-KGNLSDPFI	1039
Consensus	FTASYGLGLD-SVIFNMDGTI-ELRLPSCEVIT-KGNLSDPFI	1039

Sequence en acide nucléique : 2 changements de bases

position 873 : C → T

position 2293 : T → C

Sequence en acide aminé : 1 changement d'acide aminé

position 765 : F → L
Phe → LeuPhe : acide aminé hydrophobe
Leu : acide aminé hydrophobe

* Changement d'acide aminé cause par la mutation de la base en position 2293 (T → C)

Codon : ① T C → ② T C } mutation position 2293 (acide
Phe → Leu) (nuclease)Codon : G A C → G A T } mutation position 873 (acide
Asp → Asp) (nuclease)

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Witnessed & Understood by me,

Clément Rioux

Date

17 Aout 98

Invented by

Recorded by

Date

13/08/98

Isabelle Rioux

HEKHEED-GYGFDDANRIT	430
HEKHEED-GYGFDDANRIT	450
HEKHEED-GYGFDDANRIT	450
GHLEEVKT-SHNGLDSLSS	480
GHLEEVKT-SHNGLDSLSS	500
GHLEEVKT-SHNGLDSLSS	500
GRESIVN-KERNAIYYPH	530
GRESIVN-KERNAIYYPH	550
GRESIVN-KERNAIYYPH	550
AKKEGDKV-VTGTGEELTNV	580
AKKEGDKV-VTGTGEELTNV	600
AKKEGDKV-VTGTGEELTNV	600
KKLGINML-VKLITPOGKV	630
KKLGINML-VKLITPOGKV	650
KKLGINML-VKLITPOGKV	650
TIASRQV-PVSYDQTE	680
TIASRQV-PVSYDQTE	700
TIASRQV-PVSYDQTE	700
PROGDAAL-VRVPDEPHN	730
PROGDAAL-VRVPDEPHN	750
PROGDAAL-VRVPDEPHN	750
*	
TTMANAY-LONGTIVTA	780
TTMANAY-LONGTIVTA	800
TTMANAY-LONGTIVTA	800
VEEPKTS-EKVEKEELSE	830
VEEPKTS-EKVEKEELSE	850
VEEPKTS-EKVEKEELSE	850

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